

Item # _____

Prepared by: Gloria Kelly
Real Estate Services

Approved by: Lisa Kelly
County Attorney

RESOLUTION APPROVING THE CONVEYANCE OF A TRACT OF COUNTY OWNED LAND, 0.74 ACRES IN SIZE, LOCATED AT THE INTERSECTION OF AUSTIN PEAY HIGHWAY (STATE ROUTE NO. 14) AND ROSEMARK RD., TO THE STATE OF TENNESSEE, FOR NOMINAL MONETARY CONSIDERATION, FOR THE MAINTENANCE, WIDENING AND IMPROVEMENT OF AUSTIN PEAY HIGHWAY; AND AUTHORIZING THE COUNTY MAYOR TO EXECUTE A QUIT CLAIM DEED TO EFFECT THE TRANSFER OF THE SAME. SPONSORED BY COMMISSIONER MIKE CARPENTER.

WHEREAS, In 1952, Shelby County Government acquired a tract of land, 0.74 acres in size, in the name of Shelby County, Tennessee, for the use and benefit of the Department of Highways and Public Works, as right-of-way for Austin Peay Highway (State Route No. 14), which tract of land being more particularly described in Right of Way Deed of Record in Book 2986, Page 321 in the Register's Office of Shelby County, Tennessee; and

WHEREAS, A part of said 0.74 acre tract of land, 0.14 acres in size, was not initially used or designated as right-of-way for Austin Peay Highway and was therefore, designated as Tax Parcel Number D0118 00076 by the Shelby County Assessor's Office; and

WHEREAS, The State of Tennessee is now proposing to widen and improve Austin Peay Highway (State Route No. 14) at its intersection with Rosemark Road, which will require said 0.14 acres, identified as Tax Parcel Number D0118 00076, to be used as roadway right-of-way; and

WHEREAS, The State of Tennessee, in conjunction with this proposed roadway improvement project, has requested Shelby County to convey this entire tract of land, 0.74 acres in size, owned by Shelby County, Tennessee, for the use and benefit of the Department of Highways and Public Works, to the State of Tennessee, for nominal monetary consideration, for the maintenance, widening and improvement of Austin Peay Highway (State Route No. 14); and

WHEREAS, T.C.A. §5-7-101 allows the County to make any order for the disposition of its real property; and

WHEREAS, Section 2-57(b)(10)(b) of the Shelby County Code of Ordinances as amended by Ordinance No. 366, adopted by the Shelby County Board of Commissioners on October 6, 2008, authorizes the donation of real property to any federal, Tennessee state, or local governmental entity, provided the donation is for a public purpose found by Shelby County Government to be directly or indirectly beneficial to the citizens of Shelby; and

WHEREAS, It is deemed to be in the best interest of Shelby County to convey said 0.74 acre tract of land, which tract being more particularly described in the attached Quit Claim Deed, which is hereby incorporated by reference, to the State of Tennessee for the maintenance, widening and improvement of Austin Peay Highway (State Route No. 14).

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the conveyance of the aforementioned tract of land to the State of Tennessee, for nominal monetary consideration, for said public purpose be and the same is hereby approved.

BE IT FURTHER RESOLVED, That the County Mayor be and is authorized to execute a Quit Claim Deed conveying the same, along with any other documents necessary for the transfer of the tract of land described herein.

BE IT FURTHER RESOLVED, That this Resolution shall take effect from and after the date it shall have been enacted according to due process of law, the public welfare requiring it.

Joe Ford, Interim County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED _____

SUMMARY SHEET

I. Description of Item

This is a County owned tract of land, 0.74 acres in size, located at the intersection of Austin Peay Highway (State Route No. 14) and Rosemark Road. All but 0.14 acres of this tract of land is presently located within the right-of-way of Austin Peay Highway. Because this 0.14 acre part was not initially used or designated as right-of-way for Austin Peay Highway, it was and continues to be designated as Tax Parcel Number D0118 00076 by the Shelby County Assessor's Office. This 0.74 acre tract of land was acquired in 1952 by Shelby County Government in the name of Shelby County, Tennessee, for the use and benefit of the Department of Highways and Public Works, as right-of-way for Austin Peay Highway (State Route No. 14). The State of Tennessee is now proposing to widen and improve Austin Peay Highway (State Route No. 14) at its intersection with Rosemark Road, which will also require said 0.14 acres, identified as Tax Parcel Number D0118 00076, to be used as roadway right-of-way. The State of Tennessee, in conjunction with this proposed roadway improvement project, has requested Shelby County to convey this entire tract of land, 0.74 acres in size, owned by Shelby County, Tennessee, for the use and benefit of the Department of Highways and Public Works, to the State of Tennessee, for nominal monetary consideration, for the maintenance, widening and improvement of Austin Peay Highway (State Route No. 14). Based on the above, it is hereby recommended by the Administration that the conveyance of said 0.74 acre tract of land to the State of Tennessee, for nominal monetary consideration, be approved.

II. Source and Amount of Funding

No county funds required.

III. Contract Items

Quit Claim Deed

IV. Additional Information Relevant to Approval of this Item

N/A

QUIT CLAIM DEED

Project:

County

Tract:

79024-2290-14 / STP-14 (43)

SHELBY

64

THIS INDENTURE, made and entered into this ____ day of _____, 2010 by and between the **County of Shelby, a Political Subdivision of the State of Tennessee**, (hereinafter referred to as "**Grantor**"), and the **State of Tennessee**, (hereinafter referred to as "**Grantee**").

WITNESSETH: That for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, **Grantor** has bargained and sold and does hereby bargain, sell, remise, release, convey and forever quitclaim unto **Grantee** all of its right, title and interest in and to the following described real estate, situated and being in the County of Shelby, State of Tennessee, to-wit:

Beginning at the point in the east line of the proposed right of way of Highway #14, said point being 125 feet eastwardly and at right angles to Station 840 + 02, in the east line of Rosemark Road; thence north 34 degrees, 15 minutes east parallel to the center line of said Highway #14, 148 feet; thence northwestwardly at right angles to the centerline of said highway at Station 841 + 50, 50 feet to a point in the proposed right of way of Highway #14; thence parallel with the centerline of said highway, north 34 degrees 15 minutes east, 248 feet to a point in the south property line of R. E. Sanders; thence west with the south line of R. E. Sanders, 195 feet to a point on Sanders' south line at its intersection with Rosemark Road; thence south with the east line of said road, 361 feet to the beginning; and containing 0.74 acres, more or less.

Being the same tract of land conveyed to Shelby County, Tennessee, for the use and benefit of the Department of Highways and Public Works, by Right of Way Deed of Record as described in Book 2986, Page 321 in the Register's Office of Shelby County, Tennessee.

ALL BEARINGS ARE RELATIVE.

Tax Parcel No. D0118 00076

This conveyance is being made for the public purpose of providing land for the maintenance, widening and improvement of Austin Peay Highway (State Route No. 14) by **GRANTEE**. **GRANTOR** makes no claim or warranty relative to the environmental condition of the hereinabove described property

being conveyed. The conveyance of the above described property is made without warranties of any kind, whatsoever.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by the affixing thereto of the signature of the Mayor of the County of Shelby, the said Mayor being authorized so to do pursuant to Section 4.03-18 of Chapter 260 of the Private Acts of 1974 in accordance with the approval of the Shelby County Board of Commissioners, on the ____ day of _____, 2010 in Resolution #_____.

Grantor: SHELBY COUNTY, TENNESSEE

By: _____
Joe Ford, Interim County Mayor

Approved as to Form:

By: _____
Assistant County Attorney/
Contract Administrator

Other County Approvals:

By: _____
Land Bank Administrator

By: _____
County Real Estate Manager

**STATE OF TENNESSEE
COUNTY OF SHELBY**

Before me, the undersigned, a Notary Public within and for said State and County, duly commissioned and qualified, personally appeared **JOE FORD, Interim Mayor of the County of Shelby**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the **Interim Mayor** of the County of Shelby, the within named bargainor, one of the counties of the State of Tennessee, and that he as such **Interim Mayor** of said county, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of Shelby County by himself as such **Interim Mayor** of said County of Shelby.

WITNESS my hand and Notarial Seal, at office in Memphis, in the County aforesaid, this ____ day of _____, 2010.

Notary Public

MY COMMISSION EXPIRES:

(FOR RECORDING DATA ONLY)

Property Address:

**0 Rosemark Road
(Vacant Land)**

Tax Parcel No:

D0118 00076 and part in road right-of-way

Mail Tax Bills to: (Person or Agency
responsible for payment of taxes)

Exempt - Government

Owners Name and Address:

**State of Tennessee
Department of Transportation
5334 Boswell Ave.
Memphis, TN 38120**

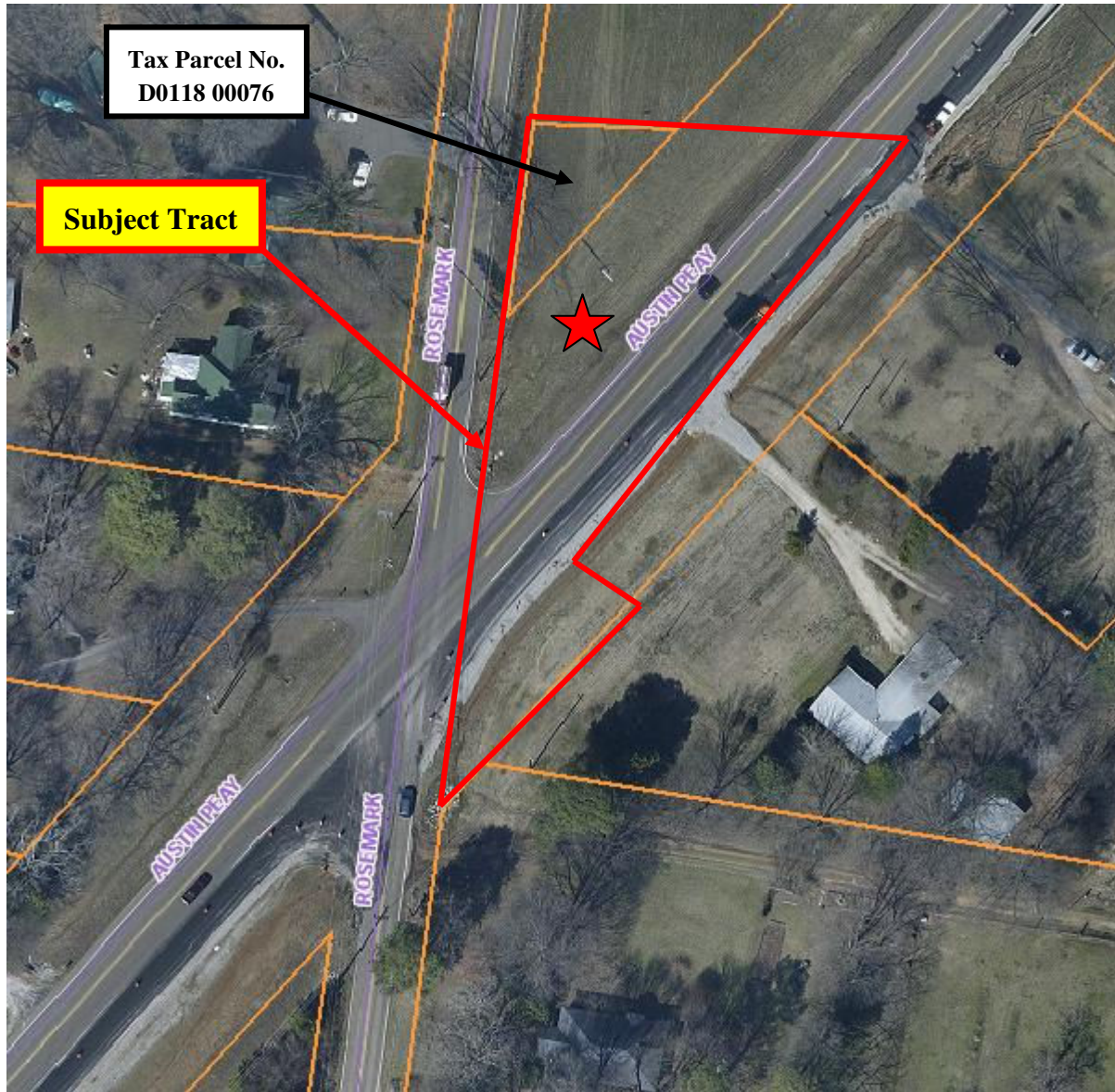
This instrument prepared by:

**Shelby County Government
Real Estate Services
584 Adams Ave.
Memphis, TN 38103
Phone No. (901) 545-3498**

Property Map

Parcel No.D0118 000076 and part within road right-of-way

NORTH



WEST

EAST

SOUTH